

Remarks

Favorable reconsideration of this application in view of the remarks below and the amendments to the claims is respectfully requested.

Claims 1-20 are rejected under 35 USC 112, second paragraph as being indefinite. The basis of the rejection is that the total % is not specified. This rejection is moot in view of the amendment to Claim 1 which specifies the total percentage. Basis for this amendment is found in the specification on page 4, lines 12 and 13 and page 5, lines 17-22.

In addition, claim 16 stands rejected as being unspecified as to what an "effective amount" is effective to do. This rejection is moot in view of the amendment to claim 16.

Claims 16-20 are rejected under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The basis of the rejection is that the specification does not teach how to spray the claimed non-aqueous composition of claim 1. This rejection is respectfully traversed.

Applicants claim a composition that is dispersed in water and sprayed onto a surface. This process is disclosed in the specification. The Examiner's attention is directed, for example to Example 1 on page 8 of the specification. The composition of claim 1 is exemplified in Table I. In the paragraph starting at line 12, the specification teaches how the composition is sprayed onto a glass surface.

Reconsideration of this rejection is respectfully requested.

Claims 1-14, 16-20 are rejected under 35 USC 103(a) as being unpatentable over Putter et al 4,678,774 in view of Knight et al, WO 9427434, Lovell 5,187,184 and Schaff et al, EP 0821876. The basis of the rejection is that it would have been obvious to a person of ordinary skill in the art at the time of the invention was made "to use the composition of Putter, modified to incorporate an appropriate amount of Lovell's surfactant, as shown to include 3-20% of an inert carrier composition, with an abrasive silicate—diatomaceous earth, as shown insecticidally effective by Knight, in order to have a sprayable synergistically effective composition..." This rejection is respectfully traversed.

Putter discloses, teaches and claims a synergistic composition where the active ingredient is absorbed onto highly dispersed, hydrophyllic amorphous silicon dioxide. In the instant invention, the active ingredient is mixed with the other components of the composition but is it not absorbed onto any of them. The specification teaches away from absorption when it states that there should be minimal absorption in order to maximize the availability of an effective dose of the insecticide (page 7, lines 8-12). Thus anyone of ordinary skill in the art using the teaching of Putter would not be motivated to arrive at the instant claimed composition, even with adjusting other components as may be suggested by the other cited references.

Reconsideration of this rejection is respectfully requested.

Marked up c py showing changes made

1. (Thrice Amended) A non-aqueous sprayable insecticidal composition which comprises an insecticidally effective amount of an insecticide; about 3% to about 9% on a wt/wt basis of an abrasive; about 2% to about 15% on a wt/wt basis surfactant; an inert carrier; and optionally a film-forming inhibitor, wherein the film-forming inhibitor is an agent to inhibit the formation of a film.

16. (Amended) A method for the control of crawling insects comprising spraying in locus of said crawling insects an insecticidally effective amount of a composition of claim 1.

If the Examiner believes a telephone call to the undersigned would favorably advance the prosecution of this application or narrow any outstanding issues, he is respectfully invited to call the undersigned at the telephone number indicated below.

Respectfully submitted



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